

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHANEL, INC.,

Plaintiff,

18 Civ. 2253 (LLS)

- against -

ORDER

WGACA, LLC, et al.,

Defendants.

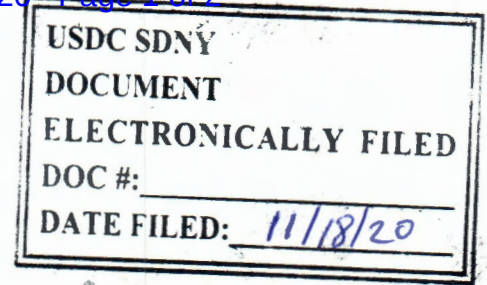
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The issues raised in WGACA's (November 3, 9 and 12, 2020) and Chanel's (November 6 and 10, 2020) counsels' letters to the Court are resolved as follows:

1. All proposed redactions in the publicly-filed letters and their exhibits are denied. None rises to the level of privacy or commercial sensitivity required to justify non-disclosure of material submitted to affect a judicial action or determination.

2. WGACA's application for leave to move for dismissal of Chanel's counterfeiting claims is denied as premature.

3. The November 4, 2020 "certification" of Ms. Gruber does not comply with the terms of the August 21, 2020 Order. That Order required a certification that the item "was not made in a factory which made genuine Chanel products" (¶ 2). Ms. Gruber has narrowed it to a more limited "Chanel-authorized factory, which is permitted to make genuine Chanel products" That unauthorized limitation to factories now in use might exclude



factories which were, but no longer are, making Chanel items still in the market, and thus frustrates the purpose of the certification. The August 21 order was clear; and Chanel is admonished that any evasion of its terms may be taken as a concession that it cannot meet them, and dismissal of its claims of counterfeit.

4. WGACA may re-open the deposition of Ms. Gruber, or depose any officer making the certification required by ¶ 2 of the August 21 order, to update and assure Chanel's compliance with all the terms of the May 5 and August 21, 2020 orders.

5. WGACA's requests for disclosure of documents and the production of Chanel's president to testify about its relationship with Farfetch are denied. WGACA has shown no reason Chanel's treatment of, and activities with regard to Farfetch, with whom it has a business relationship, must be the same as those with regard to WGACA, with whom it has none.

* * * *

So ordered.

Dated: New York, New York
November 18, 2020

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.